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03/04/2009

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EXAMINER

FABIAN-KOVACS, ARPAD

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/531,735
Filing Date: March 21, 2000
Appellant(s): LEVIN ET AL.

Jerome R Smith
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/1/2008 appealing from the Office action mailed 4/1/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

3670413

Weber

6-1972

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 9-22, 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

Independent claim 9:

A lawnmower blade assembly comprising:

- a shaft (15) rotatable with a motor (col. 1, ln 49-50);

- a stub (annular groove 19 and cylindrical portion 20, as shown in the marked up figures below) in communication with the shaft;

- a blade (12);

- a receiver (spring clips 13) coupled to the blade, and including:

- a receiving portion and flexible members capable moving inward and outward for releasably engaging / retaining the stub in the receiving portion (see marked up figures below);

- the flexible members including:

- first ends disposed opposite and in communication with second ends (see marked up figures below);

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the first ends including engaging portions for moving between the inward / outward positions (see marked up figures below);

the second ends capable of receiving a force and allowing disengagement of the blade from the stub (see marked up figures below).

Independent claim 12:

A lawnmower blade comprising:

a blade body (12) including oppositely disposed cutting portions and a platform intermediate the cutting portions (see marked up figures below);

a receiver (spring clips 13) coupled to coaxially to the platform, and including:

flexible members capable moving inward and outward for releasably engaging / retaining a rotatable member or stub in communication with a motor at least partially within the receiver (see marked up figure below);

the flexible members including:

first portions disposed opposite and in communication with second portions (see marked up figure below);

the first portions including engaging portions for moving between the inward / outward positions (see marked up figure below);

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the second portions capable of receiving a pressure and allowing movement of the first portions in the outward positions, so to allow the receiver to receive and retain the rotatable member or shaft in a coaxial alignment, so in rotation the blade body is balanced (see marked up figure below).

Independent claim 16:

A lawnmower blade comprising:

a blade body (12) including oppositely disposed cutting portions and a platform intermediate the cutting portions (see marked up figures below);

a receiver (spring clips 13) coupled to coaxially to the platform, and including:

a receiving portion capable of coaxially receiving at least a portion of a rotatable member or stub (see marked up figure below), and a flexible members capable of moving inward / outward positions and retaining the at least a portion of a rotatable member or stub in a releasable engagement at least partially within the receiving portion;

the flexible members including:

first portions capable of moving inward / outward positions;

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second portions in communication with the first portions & disposed at opposite ends of the flexible members (see marked up figure below);

for each flexible members, the second portion capable of receiving a pressure and allowing movement of the first portion in the outward positions (see marked up figure below).

Independent claim 19:

A lawnmower blade comprising:

a blade body (12) including oppositely disposed cutting portions and a platform intermediate the cutting portions (see marked up figures below);

a receiver (spring clips 13) coupled to coaxially to the platform, and including:

two flexible members capable moving inward and outward positions for releasably engaging / retaining a rotatable member or stub in communication with a motor at least partially within the receiver (see marked up figure below);

each of the flexible members including:

first ends disposed opposite and in communication with second ends (see marked up figure below);

the first ends including:

first portions capable of moving inward / outward positions (see marked up figure below);

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the second ends including:

second portions separate from and in communication with the first portions, the second portions capable of receiving a pressure and allowing movement of the first portions in the outward positions, so to allow the receiver to receive and retain the rotatable member or shaft in a coaxial alignment, so in rotation the blade body is balanced (see marked up figure below).

Independent claim 33:

A lawnmower blade comprising:

a blade body (12) including oppositely disposed cutting portions and a platform intermediate the cutting portions (see marked up figures below);

a receiver (spring clips 13) coupled to coaxially to the platform, and including:

a receiving portion for receiving at least a portion of a rotatable member coaxially so the blade is balanced upon rotation (see marked up figures below), and

including:

an inner surface (see marked up figures below) including a plurality of protrusions spaced apart to define a series of ridges and grooves capable of receiving the at least a portion of the rotatable member having a correspondingly configured outer surface (see marked up figures below)

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plurality of flexible members capable moving inward and outward positions for releasably engaging / retaining a rotatable member or stub within the receiving portion (see marked up figure below);

each of the flexible members including:

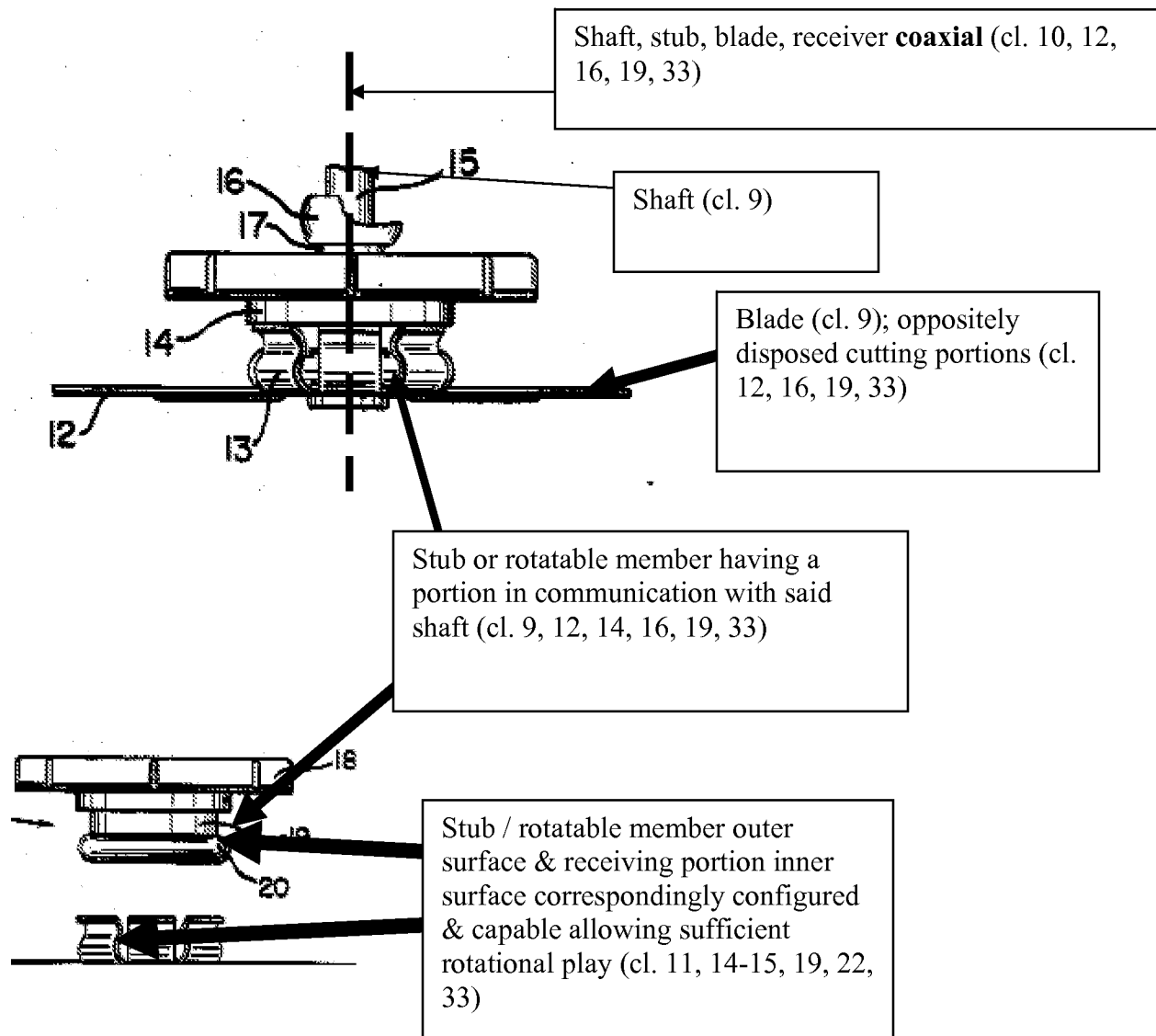
first portions capable of moving inward / outward positions and disposed opposite and in communication with second portions of the flexible members (see marked up figure below);

for each of the flexible members, the second portions capable of receiving a pressure and allowing movement of the first portion to the outward positions (see marked up figures below).

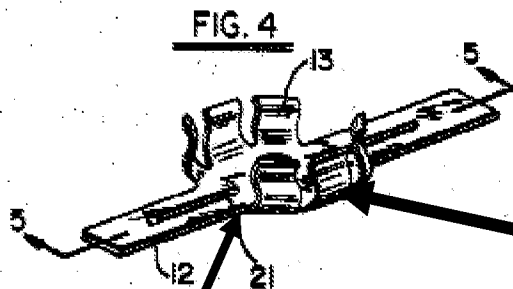
With respect to dependent claims 10-11, 13-15, 17-18, 20-22, 34-35, each of them are addressed in the marked up figures below.

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In support of the features described above and as claimed in the claims, Weber shows:

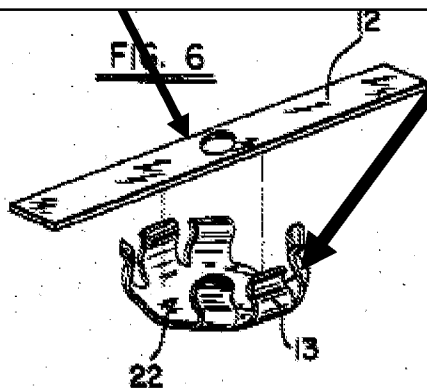


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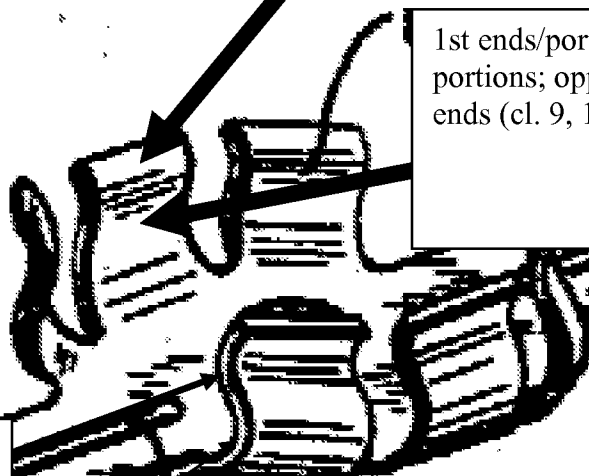


Blade body including platform
(cl. 12, 16, 19, 33)

Receiver coupled to the blade having flexible members & receiving portion (cl. 9, 12, 14, 16, 19, 33); the flexible members / bodies / spring clips with spring like behavior (cl. 13, 17, 20, 34); retaining forces to be greater than the rotational forces of the blade (cl. 35)



2nd ends/portions, force/pressure acting thereon moves the engaging portions/first portions outward, which allows disengagement of the stub (cl. 9, 12, 16, 19, 33)



1st ends/portions & engaging portions; opposite of the second ends (cl. 9, 12, 16, 19, 33)

Protrusions (cl. 33)

Grooves (cl. 33)

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(10) Response to Argument

Appellant grouped independent claims 9, 12, 16, 19 and 33 together; therefore, claims 9, 12, 16, 19, 33 stand or fall together.

Furthermore, the Appellant did not argue any of the dependent claims; therefore, dependent claims 10-111, 13-15, 17-18, 20-22, 34-35 stand or fall together with the independent claims 9, 12, 16, 19 and 33.

Appellant argued and labeled the free upper end of the spring clips 13 as the first end, and the lower end as the second end.

However, this is contrary to the interpretation and how the Examiner applied the reference in view of the claims as they were presented.

Thus, the Appellant is applying the force or pressure at the wrong end(s) or portion(s). In other words the Appellant suggests to apply force at a "static end" of the clip," which is contrary to the interpretation of the Examiner provided in the rejection.

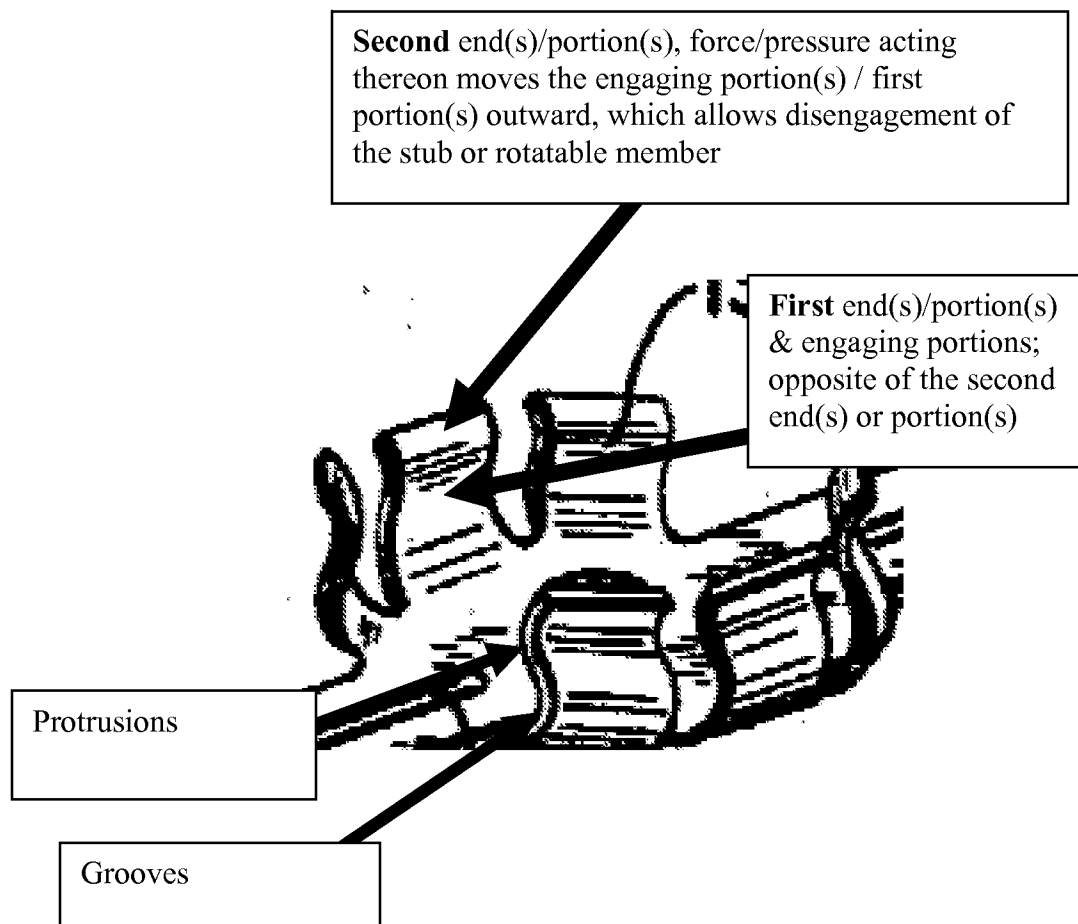
The second end(s) or portion(s) the Examiner considered in the rejection is the upper area as shown in the marked up figures, whereas the first end is an opposite (lower) portion of the spring clips, and it is nowhere where the Appellant suggested, i.e. the wrongly labeled "static end of the clip" or "second end." In fact, as shown in the marked up figure below, the first end is not only not the "free end" of the spring clips, but it is not even at the place suggested for the

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“second end.” Instead, the first end(s) or portion(s), which is opposite the second end(s) or portion(s), is as shown in the marked up figure, so the first end can move outward and release the rotatable member when force or pressure is applied to the opposite upper / second end(s) or portion(s).

In order to reemphasize the first and second ends or portions the following marked up figure from the rejection above best illustrates the first and second ends or portions:

:



Finally, the Appellant **only** argued the issues discussed above.

In summary, Appellant's argument is based on a different interpretation of Weber from the one applied by the Examiner in the rejection, and the Examiner clearly set forth with the aid of the marked up figures where each first and second ends or portions are considered in interpreting Appellant's claims.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Árpád Fábíán-Kovács/

Primary Examiner, Art Unit 3671

Conferees:

Thomas B. Will /tbw/

Marc Jimenez /mj/